

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

 UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S MOTION TO IMPOUND HIS SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF HIS MOTION FOR PRE-TRIAL SUBPOENAS**

Pursuant to Local Rule 7.2, defendant John Diamont moves to impound his Supplemental Memorandum in Support of His Motion for Pre-Trial Subpoenas. In support of this Motion, Mr. Diamont states that this Memorandum contains information relating to his theory of the case, including his avenues of investigation and information obtained from confidential witness interviews. The information contained in the Supplemental Memorandum provides an even more detailed picture of Mr. Diamont's theories of the case than the original Memorandum did and, *a fortiori*, deserves the Court's protection. See August 24, 2005 Electronic Order (granting motion to seal portions of original Memorandum); October 7, 2005 Electronic Order (confirming impoundment). This Memorandum is subject to the attorney work product privilege, for the same reasons as the earlier Memorandum, and, for the same reasons, the Court should permit the defendant to file it under seal. Should the Court deny this Motion to Impound, Mr. Diamont requests that the Court return the Supplemental Memorandum to him rather than place it in the public file.

WHEREFORE, Mr. Diamont asks the Court to impound Defendant's Supplemental Memorandum in Support of His Motion for Pre-Trial Subpoenas and withhold this Memorandum from public inspection until further order of the Court.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s Lauren Papenhausen
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October __, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issue presented in this Motion.